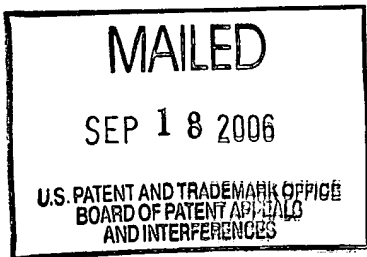


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES



Ex parte STEPHAN J. JOURDAN, ADI JOAZ,
MATTAN EREZ and RONNY RONEN

Application 09/749,405

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on August 28, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being electronically returned to the examiner. The matter requiring attention prior to docketing is identified below:

An Examiner's Answer was mailed April 4, 2006.

Section § 1207.02 of the Manual of Patent Examining Procedure (MPEP) (8th Ed., Rev. 3, August 2005) states:

Requirements for Examiner's Answer

The examiner's answer is required to include, under appropriate headings, in the order indicated, the following items:

....

(8) Evidence Relied Upon. A listing of the evidence relied on (e.g., patents, publications, admitted prior art), and, in the case of nonpatent references, the relevant page or pages.

It is noted that while the Examiner's Answer lists "Computer Systems Design and Architecture" and the "Dictionary of Computers, Information Processing, and Telecommunications" as Evidence Relied Upon, the claim rejections are listed as follows:

1. Claims 24-26 are rejected under 35 U.S.C. 102(b) as being taught by Tran, U.S. Patent Number 5,822,575 (herein referred to as Tran) [page 3]; and
2. Claims 1-8, 10-15, and 17-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chang, Hao, and Patt's "Alternative Implementations of Hybrid Branch Predictors" (herein referred to as Patt) in view of McFarling's "WLR Technical Note TN-36: Combining Branch Predictors" (herein referred to as McFarling) [page 4].

The Examiner's Answer is deficient because it does not include a complete listing of the "Evidence Relied Upon." Correction is required.

In addition, the Appeal Brief filed December 30, 2005, states that claims 1-27 are pending in this application [page 2 under "STATUS OF"]

THE CLAIMS”]. Page 2 of the Examiner’s Answer agrees. However, it should be noted that the Appeal Brief and Examiner’s Answer (as well as the Final Rejection filed May 31, 2005) do not appear to discuss the rejection of claim 27. Appropriate correction is required.

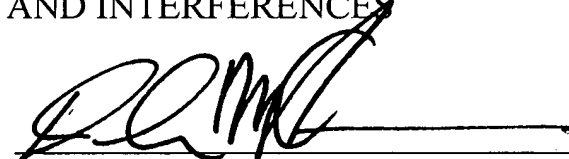
Accordingly, it is

ORDERED that the application is returned to the Examiner:

- 1) for submission of a revised Examiner’s Answer which corrects the “Evidence Relied Upon” section;
- 2) for a determination regarding the rejection of claim 27; and
- 3) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By:



DALE M. SHAW

Deputy Chief Appeals Administrator
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